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July 28, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie R. Salas Esq.
Secretary
Federal Communications Commission
Portals II - 12th Street Lobby
Filing Couner - TW-A325
445 12th Street, S.W.
Washington, D.C. 20554


~~EXPIRED~~

Re: Comments
MM Docket No. 99-215
RM-9337
Mason, Texas

Dear Ms. Salas:

Transmitted herewith, on behalf of BK Radio, is an original and four (4) copies of its Comments in response to the Commission Notice of Proposed Rule Making in MM Docket No. 99-215. Please contact the undersigned in the event the Commission has any questions with respect to these Comments.

Sincerely,


Lee J. Peltzman
Counsel for
BK RADIO

Enclosure

No. of Copies rec'd 0+4
List A B C D E

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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Mason, Texas)

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MM Docket No. 99-215
RM-9337

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

COMMENTS

BK Radio ("BK"), by its counsel, pursuant to Sections 1.415 and 1.420 of the Commission's rules, hereby submits its Comments in support of the Notice of Proposed Rule Making in MM Docket No. 99-215, DA 99-1142, released June 11, 1999 ("NPRM"). BK continues to support the allotment of Channel 239C2 in order to eliminate the mutual-exclusivity currently existing between the three applicants for a new Class C2 channel at Mason, Texas. In support of its position, BK submits the following:

BK demonstrated in its Petition for Rule Making that the allotment of additional channels would eliminate the mutual-exclusivity currently existing between the application of BK for a new Class C2 channel at Mason, Texas and the applications filed by Foxcom, Inc. and Jayson D. Fritz and Janice M. Fritz. All three applications were originally filed for Channel 249C2. The allotment of Channel 239C2, as proposed by the Commission in its NPRM, will eliminate the mutual-exclusivity between BK and the remaining two applicants. In addition, Channel 288C2 is now available for allotment at Mason for other expressions of interest.¹ As noted by the

¹ On June 11, 1999, the Commission released its Report and Order in MM Docket 97-244, DA 99-1119, which allotted Channel 224A to Mason in lieu of Channel 291A and, therefore, rendered Channel 288C2 available for allotment at Mason. No party has sought review or reconsideration of that Report and Order, and it becomes final on August 2, 1999.

Commission in its NPRM, an additional equivalent channel, Channel 273C2, is also available to accommodate expressions of interest by one of the other mutually-exclusive applicants, which, under the Commission rules, permits BK to amend its pending Mason application without the loss of cut-off protection. See Roseburg, Oregon, 6 FCC Rcd 4369 (1991). See also Albion, Nebraska, 10 FCC Rcd 3183, review denied, 10 FCC Rcd 11931 (1995).²

BK states that, in the event the Commission allots Channel 239C2 to Mason, Texas, it will amend its pending Mason application to specify operation on Channel 239C2, and, upon the grant of its application as amended, BK will construct its proposed Mason station promptly.

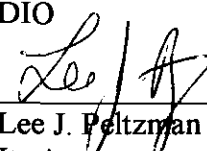
Significant public interest reasons exist warranting the grant of this proposal, including resolving the current conflict between three mutually-exclusive applicants and permitting the prompt institution of additional service to the community of Mason.

Accordingly, for the foregoing reasons, BK Radio supports the proposal set forth in the Commission's NPRM allotting Channel 239C2 at Mason, Texas and permitting the amendment to BK's application while affording it cut-off protection.

Respectfully submitted,

BK RADIO

By:



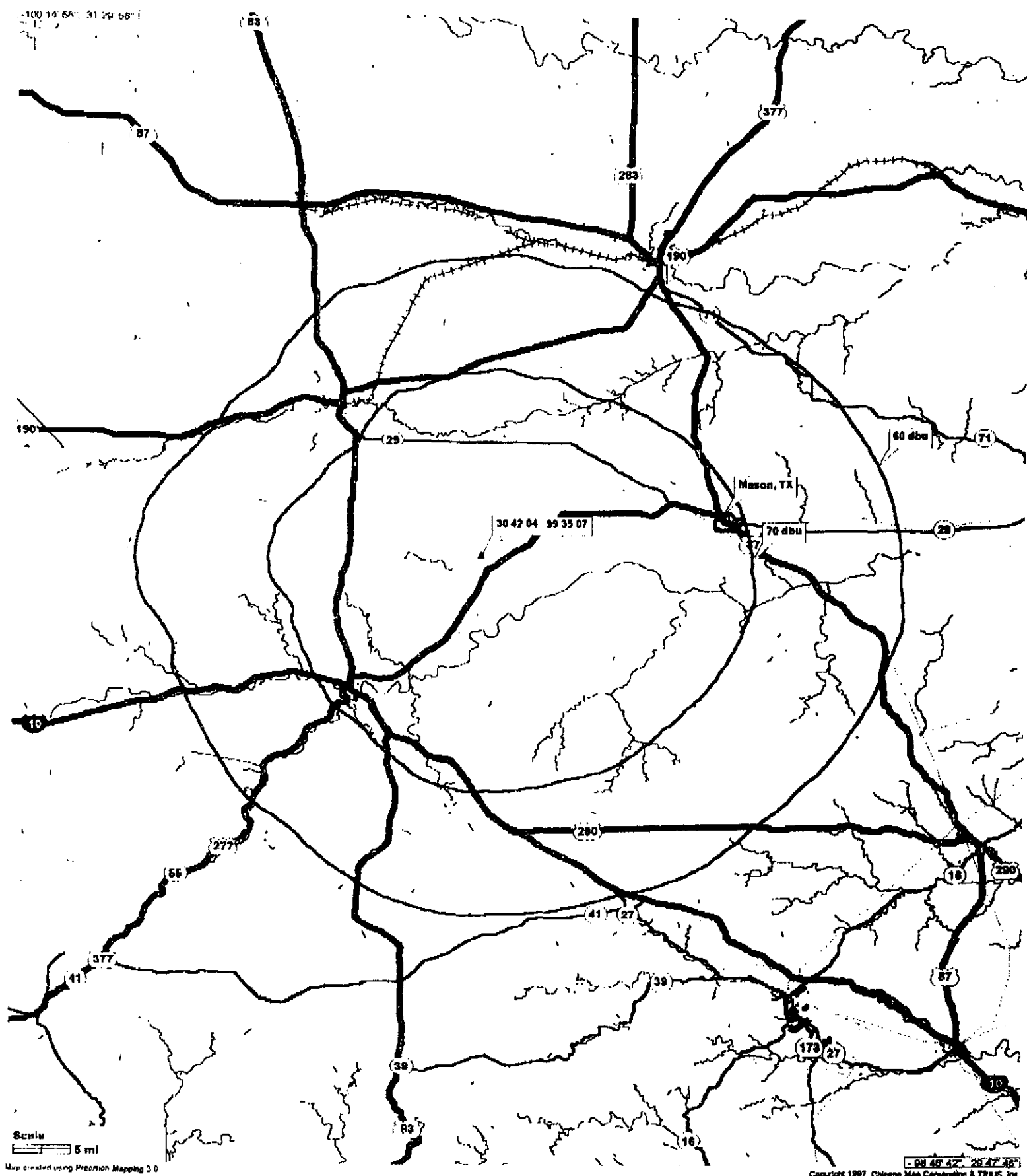
Lee J. Peltzman
Its Attorney

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July 28, 1999

² The Commission has noted that in the event one of the remaining mutually-exclusive applicants requests amendment of its application to specify operation on Channel 273C2 and another party expresses an interest in the use of that channel at Mason, Commission policy would not allow the FCC to modify BK's application with cut-off protection. However, since Channel 288C2 is now available for allotment at Mason, Channel 273C2 will be available to one of the remaining applicants to modify its application with cut-off protection even in the event another party expresses an interest in the use of Channel 288C2 at Mason.

Mason, TX Ch 288 C2



MAPFM search of channel 288C2 (105.5 MHz), at N. 30 42 4, W. 99 35 7.

Searching Channel 288C2 (105.5 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KBAE	Marble Falls	TX	285	C2	A	117.0	58.0	95.0	59.0
KBAE	Marble Falls	TX	285	C3	C	131.6	56.0	102.6	75.6
ALC	Seguin	TX	287	C	U	203.1	188.0	141.1	15.1
KSMG	Seguin	TX	287	C	L	203.1	188.0	141.1	15.1
ALC	Piedras Negras	CI	288	B		239.3	237.0	202.3	2.3
XHREFM	Piedras Negras	CI	288	B		239.3	237.0	202.3	2.3
ALC	Coahoma	TX	288	A	V	240.5	166.0	317.2	74.5
ALC	Harker Heights	TX	288	C2	U	211.2	190.0	83.0	21.2
KYUL	Harker Heights	TX	288	C2	L	194.8	190.0	77.2	4.8
KYUL	Harker Heights	TX	288	C2	C	189.6	190.0	80.4	-0.4
ALC	San Angelo	TX	289	C3	U	117.2	117.0	316.1	0.2
KMDX	San Angelo	TX	289	C3	C	124.3	117.0	310.9	7.3
ALC	Santa Anna	TX	290	C2	A	118.0	58.0	12.1	60.0
ALC	Mason	TX	291	A	A	34.4	55.0	81.2	-20.6
ALC	Leakey	TX	291	A	A	105.3	55.0	192.1	50.3
ALC	Kerrville	TX	291	A	A	84.2	55.0	149.5	29.2
FA	Mason	TX	291	A	D	34.4	55.0	81.2	-20.6
KBAL	San Saba	TX	291	A	A	99.3	55.0	56.9	44.3

del 97-244

del 97-244